

REMARKS

The present patent application has been reviewed in light of the office action, dated May 17, 2005, in which claims 32, 35, 37, 38, 40, and 41 are objected to due to informalities. Claims 1-15 and 30-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Watanabe, U.S. Patent No. 6,304,571 (hereinafter "Watanabe"). Claims 16-20, 22-27, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Baydar et al., U.S. Patent No. 6,049,550 (hereinafter "Baydar"). Reconsideration of the above-referenced patent application in view of the foregoing amendment and following remarks is respectfully requested.

Claims 1-41 are pending. Claims 1-5, 8-14, 16-19, 22-25, 27, 30, and 32-41 have been amended.

Claims 32, 35, 37, 38, 40, and 41 have been amended to correct the informalities pointed out by the Examiner.

Rejections under 35 U.S.C. § 102(e)

Claims 1-15 and 30-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Watanabe. However, neither Watanabe nor Baydar disclose "an egress diverted packet buffer, an egress undiverted packet buffer, and an egress inserted packet buffer" as claimed in amended claim 1. Independent claims 8, 11, 16, 23, 30, 33, 36, and 39 include similar limitations. Therefore, independent claims 1, 8, 11, 16, 23, 30, 33, 36, and 39, and the claims that depend from them, are believed to patentably distinguish from the cited patents. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient.

Rejections under 35 U.S.C. § 103(a)

Claims 16-20, 22-27, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe in view of Baydar. Because neither Watanabe nor Baydar disclose the claim elements discussed above, even if there was a suggestion or teaching to combine the patents, and Assignee respectfully submits that there is no such teaching or suggestion, the resulting combination would still lack at least one element of the rejected claims. Therefore, claims 1, 8, 11, 16, 23, 30, 33, 36, and 39 and the rejected claims that depend from them are believed to patentably distinguish from the cited patents. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3130.

Respectfully submitted,

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